

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiffs,)

vs.)

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)

Defendants.)

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THE 30(b)(6) DEPOSITION OF
JANET WILKERSON, produced as a witness on behalf
of the Plaintiffs in the above styled and numbered
cause, taken on the 30th day of January, 2007, in
the City of Rogers, County of Benton, State of
Arkansas, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

1 A No.

2 Q Are you familiar with the grower files?

3 A Somewhat.

4 MR. HIXON: Object to form.

5 Q Describe, if you would, please, what would you 02:37PM
6 find in a typical or normal grower file. Start this
7 way: Describe to me what a normal grower file looks
8 like.

9 MR. HIXON: Object to form.

10 A It would be a contract. 02:37PM

11 Q Let me back you up even further. Is there
12 like a red rope; is there a manila folder; what are
13 the documents that make up a grower file stored in?

14 A A file folder in a file cabinet.

15 Q All right, and where is that file cabinet 02:38PM
16 located?

17 A In the live operations department.

18 Q And that's in Decatur?

19 A Yes.

20 Q All right. Now, what's inside the file folder 02:38PM
21 for a grower file normally or typically?

22 A Their contract. Could be service tech
23 reports.

24 Q And that would be the report that the service
25 technician generally on a weekly basis goes and 02:38PM

1 looks at the farm and fills in a little

2 fill-in-the-blank type form?

3 A Correct.

4 Q Service tech reports. What else?

5 A Any communication, written communication

02:38PM

6 between the grower and the company possibly.

7 Q Okay.

8 A You're asking me things I don't really know.

9 Q Unfortunately you're the designated custodian,

10 and this is our Record.

02:39PM

11 A Right, but --

12 Q Let me ask you this: I have some other forms.

13 Would you find kill reports within the grower file?

14 A Yes, you would.

15 Q Would you find settlement sheets within a

02:39PM

16 grower file?

17 A No.

18 Q Would you find feed delivery tickets?

19 A No.

20 Q Would you find broiler grower payment

02:39PM

21 calculations?

22 A No. Those are all kept separate.

23 Q We'll talk about those in a second. Broiler

24 farm condition?

25 A Just via the service tech report.

02:39PM

1 Q A broiler house pre-checklist?

2 A Like prior to getting chickens?

3 Q That's the name of the form.

4 A Oh. So, yes, I'm sure that that's --

5 Q In the grower file? 02:40PM

6 A Yes.

7 Q And then the broiler weekly management
8 reports, is that what you referred to as a service
9 tech report?

10 A Yes. 02:40PM

11 Q What about Peterson LP gas tickets?

12 A They are kept in another file.

13 Q Okay. What file would you find LP gas
14 tickets, Peterson LP gas tickets?

15 A In the LP gas department. 02:40PM

16 Q And is that within the offices in Decatur or
17 is that in another office?

18 A No. It's in Decatur.

19 Q And who would be in charge of those tickets
20 and those records? 02:40PM

21 A Tom Blackwood.

22 Q We've talked about the settlement sheets, the
23 feed delivery tickets and the broiler grower payment
24 calculation forms. Where would those forms be kept
25 either singly or if they're all together? 02:41PM

1 A Feed tickets would -- at the feed mill.

2 Q And where is that?

3 A It's in Decatur.

4 Q It's a separate building from the offices?

5 A Yes.

02:41PM

6 Q And who would be in charge of those tickets?

7 A Lex Meigs, M-E-I-G-S.

8 Q And then the broiler grower payment

9 calculation, where would that be?

10 A In accounting.

02:41PM

11 Q And who is in charge of that accounting

12 record?

13 A Ray Wear.

14 Q Can you think of any other form that I might

15 not have mentioned that you might see in a grower

02:41PM

16 file?

17 A No.

18 Q Are the records that we've just described --

19 let's talk about non-financial records first. Would

20 any of those be the kind of records that would be

02:42PM

21 scanned and archived?

22 A Are you talking like feed tickets?

23 Q Kill reports. Okay. Since feed tickets are

24 over in the mill, let's not talk about those. I'm

25 talking about the ones in the offices in Decatur.

02:42PM

1 A Okay.

2 Q Those documents, like the kill reports,
3 broiler farm condition, pre-checklist, the weekly
4 management report, are those kinds of forms scanned
5 and saved to electronic format?

02:42PM

6 A Not yet.

7 Q Okay.

8 MR. HIXON: Richard, are you going to
9 finish this up fairly quickly?

10 MR. GARREN: Yes.

02:42PM

11 MR. HIXON: We've been going a little over
12 an hour.

13 MR. GARREN: Hang with me.

14 Q The financial records, the broiler grower
15 payment calculations, are they scanned and archived
16 as you described earlier?

02:43PM

17 A I want to say they are. I'm not sure that
18 they all are at this point in time. We've just
19 started scanning in the last few months.

20 Q And then the feed delivery tickets at the feed
21 mill, they're not scanned, are they?

02:43PM

22 A No.

23 Q Okay.

24 MR. GARREN: Mr. Hixon, do you need a
25 break?

02:43PM

1 MR. HIXON: We need a break.

2 (Following a short recess at 2:43 p.m.,
3 proceedings continued on the Record at 2:55 p.m.)

4 Q Before we took the break, we were talking
5 about grower files. You talked about kind of what 02:55PM
6 is in them. Now, you may have told me where they're
7 kept. Would you tell me again, please?

8 A They are kept in the live operations office.

9 Q Okay, and are they kept in file cabinets?

10 A Yes. 02:55PM

11 Q Okay. How are they organized in those filing
12 cabinets; are they alphabetical or some other
13 method?

14 A Alphabetical.

15 Q Alphabetical by growers' names? 02:55PM

16 A Last name.

17 Q Do you know whether or not they're also broken
18 down by watersheds?

19 A I don't know specifically.

20 Q Who is the person responsible for maintaining 02:55PM
21 the live -- the grower files at live operations?

22 A Her name is Tammy Graham.

23 Q And is she -- what is her position?

24 A She's the assistant there, secretary.

25 Q And assistant to? 02:56PM

1 A The live operations manager.

2 Q Who is?

3 A Keith Curry.

4 Q C-U-R-R-Y?

5 A Yes, and there's another gentleman, Joe 02:56PM
6 Walker.

7 Q Are there any -- let me ask, are there active
8 and inactive files within the filing cabinets at
9 live operations?

10 A Yes. 02:57PM

11 Q All right, and do you know how long inactive
12 files are kept in the live operations area?

13 A I do not know.

14 Q Do you know what the policy is prior to the no
15 purging of files about maintaining grower files? 02:57PM

16 When I say is, I should have said was. Let me
17 rephrase that. Prior to the non-purging rule that
18 was imposed that you talked about earlier, do you
19 know what the policy was for maintaining non-active
20 grower files? 02:57PM

21 A I do not know that answer.

22 Q Who would know that answer?

23 A Probably Lorraine Odle.

24 Q When a grower goes from an active status to an
25 inactive status, is any part of the file discarded? 02:58PM

1 A No.

2 Q Are any parts of an inactive file -- I'm
3 sorry. Are any parts of an inactive grower's file
4 given back to the grower at any time?

5 A Not that I'm aware of.

02:58PM

6 Q Prior to the non-purge rule we discussed, if
7 grower files were discarded or destroyed, do you
8 know who would have been responsible for doing so?

9 MR. HIXON: Object to form.

10 A I don't know. I've never heard of grower
11 files being destroyed.

02:59PM

12 Q All right. To your knowledge then -- you've
13 been twelve years with Peterson?

14 A Correct. There was some documents, and I
15 don't have a list of them because we didn't make a
16 checklist, that were destroyed in a flood.

02:59PM

17 Q Do you remember when that flood was?

18 A There were two of them, 2004 and 2001 or '2 in
19 our warehouse. So when I say --

20 Q The warehouse is inside the building in
21 Decatur?

02:59PM

22 A Yes.

23 Q They were destroyed?

24 A Some were.

25 Q Is that warehouse room located in a lower

02:59PM

1 floor?

2 A No, it's not.

3 Q Where was it located?

4 A It's -- we're one story.

5 Q One story?

02:59PM

6 A The whole office flooded.

7 Q The whole office, all right. Are there

8 records that a grower may be required to have not

9 because of Peterson but perhaps because of state law

10 or other regulation that Peterson would have copies

03:00PM

11 of?

12 A Yes.

13 Q Tell me what those documents would be.

14 A Nutrient management plan.

15 Q And are they stored within the grower file?

03:00PM

16 A Yes.

17 Q That's a document neither one of us listed

18 earlier; is that correct?

19 A That is correct.

20 Q Is the entire plan copied and stored there?

03:00PM

21 A Yes.

22 Q Whose responsibility is it to obtain the

23 nutrient management plan for storage in the Peterson

24 file?

25 A The process, as I recall, is that the grower

03:01PM

1 gives a copy to the service tech.

2 Q Do the service techs when they're not in the
3 field, do they office or have an office in the
4 Decatur building, Decatur office building?

5 A In the live operations building. They don't 03:01PM
6 really have -- it's a common area that they use.

7 Q Is there more than one structure there? I'm
8 just not familiar. The court is not familiar either
9 so we're trying to give them a picture of what is
10 there. 03:01PM

11 A The live operations office is located at the
12 end of the processing plant.

13 Q And what end is that on, south, north, east?

14 A On the north end.

15 Q All right. So the live operations is on the 03:01PM
16 north end of the processing plant?

17 A Correct.

18 Q And the offices where you might reside or work
19 and the others, where is it located?

20 A It's on 250 Main Street in Decatur. 03:02PM

21 Q And they're not in the exact -- they're not in
22 the same contiguous piece of property?

23 A That's correct.

24 Q About how far apart are they?

25 A Across the street. 03:02PM